

## REMARKS

By this Amendment, Applicant amends claims 2, 8, 9, 11, 16, and 17, and cancels claims 1, 3-7, 10, and 12-15, without prejudice or disclaimer to the subject matter thereof. Claims 2, 8, 9, 11, 16, and 17 remain pending.

In the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner rejected claims 1, 2, 5-11, and 14-17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,275,824 to O'Flaherty et al. ("O'Flaherty"); and rejected claims 3, 4, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over O'Flaherty in view of U.S. Patent No. 5,705,980 to Shapiro et al. ("Shapiro"). Applicant respectfully traverses the Examiner's objection and rejections.

### **Regarding the objection to the specification**

Applicant respectfully traverses the Examiner's objection to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner alleges that "[t]he claim limitation of '*second information item is an image*' in claim 4 lacks proper antecedent basis in the specification," and "[t]he claim limitation of '*a enciphering unit*' in claim 5 lacks proper antecedent bases in the specification." (Office Action at 2.) Applicant respectfully disagrees. However, because claims 4 and 5 have been canceled, the objections to claims 4 and 5 are moot.

### **Regarding the rejection under 35 U.S.C. § 102(b)**

Applicant respectfully traverses the Examiner's rejection of claims 1, 2, 5-11, and 14-17 under 35 U.S.C. § 102(b) as being anticipated by O'Flaherty. Because claims 1, 5-7, and 10 have been canceled, the Section 102(b) rejection of these claims is moot.

In order to support a rejection based on anticipation under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 2, as amended, recites a combination including, for example, “an acquiring unit configured to acquire an information item which includes an image of a person’s face; [and] an extracting unit configured to extract a contour of the person’s face from the information item, to detect the image of the person’s face as a personal information item.” O’Flaherty fails to disclose at least these features of amended claim 2.

O’Flaherty discloses an apparatus “for managing data privacy in a database management system . . . , for storing and retrieving data from a plurality of database tables wherein the data in the database tables is controllably accessible according to privacy parameters stored in the database table.” O’Flaherty, abstract, emphasis added. “One important capability of a database management system is the ability to define a virtual table and save that definition in the database as metadata with a user-defined name. The object formed by this operation is known as a View or a database view.” O’Flaherty, column 4, lines 7- 12, emphasis added. Further, O’Flaherty discloses that “[v]irtually all access to the data stored in the extended database 106 is provide solely through the dataview.” O’Flaherty, column 4, lines 37-38, emphasis added.

However, O'Flaherty's teaching of using a dataview to control access to a database does not constitute either "an acquiring unit configured to acquire an information item which includes an image of a person's face," or "an extracting unit configured to extract a contour of the person's face from the information item, to detect the image of the person's face as a personal information item," as recited in amended claim 2 (emphasis added). In fact, O'Flaherty is silent on acquiring personal information, as conceded by the Examiner by stating "O'Flaherty does not explicitly disclose: item is a vital data item of the informant." (Office Action at 8). Therefore, O'Flaherty fails to anticipate amended claim 2 under 35 U.S.C. § 102(b).

Further, because amended claim 2 also includes limitations of original claim 4 (now canceled), Applicant also addresses Shapiro, which the Examiner applied in the § 103 rejection of claim 4. The Examiner alleges that "O'Flaherty and Shapiro disclose the apparatus wherein the second information item is an image, and the personal information item is an image of a personal face (O'Flaherty: col. 4, Ins. 18-25) and (Shapiro: col. 3, Ins. 12-20)." (Office Action at 9.) Applicant respectfully disagrees.

In column 4, lines 18-25, O'Flaherty explicitly states that "[t]o implement a variety of privacy rules, a suite of a plurality of dataviews is provided. Metadata about the privacy dataviews (including the dataview name, names and data types of the dataview columns, and the method by which the rows are to be derived) is stored persistently in the database metadata, but the actual data presented by the view is not physically stored anywhere in association with the derived table." *Id.*, emphasis added. However, metadata about the privacy dataviews in O'Flaherty does not constitute "an image of a person's face" or "a contour of the person's face" as recited in amended claim 2.

Shapiro teaches that “[s]ecurity officers (38) can be summoned to help a person (28) in distress, by providing portable pagers (40) to a group of officers assigned to a protected area (26).” Shapiro, abstract. “A corresponding image of the person’s face can also be stored in digital form at the security station 12, together with any other vital medical or personal information that could be important in emergency situations.”

Shapiro, column 3, lines 16-20. However, merely storing an image of the person’s face does not constitute “an extracting unit configured to extract a contour of the person’s face from the information item” or “a generating unit configured to generate an anonymous information item by deleting the personal information item [the contour of the person’s face] from the information item,” (emphasis added) as recited in amended claim 2.

In fact, Shapiro clearly teaches away using the contour of the person’s face anonymously. “The assistance order signal contains information identifying the location of the signaling person 28, along with other pertinent information retrieved by the processor 20 in step 158, e.g., the person’s name and other vital personal information. If the pager unit display 124 has image capability, an image of the person can also be conveyed over the line 22 and transmitted to the selected officer from the paging transmitter 102.” Shapiro, column 7, lines 22-29, emphasis added.

Therefore, neither O’Flaherty nor Shapiro, taken alone or in any reasonable combination, discloses or suggests all elements of amended claim 2. Accordingly, claim 2 and claims 8 and 9 that depend therefrom are allowable over O’Flaherty and Shapiro.

Further, independent claim 11, while of different scope, includes similar recitations to that of claim 2. Claim 11 is therefore also allowable for at least the same reasons stated above with respect to amended claim 2. Applicant respectfully requests withdrawal of the Section 102(b) rejection of claim 11 and its dependent claims 16 and 17.

**Regarding the rejection under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the Examiner's rejection of claims 3, 4, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over O'Flaherty in view of Shapiro. However, because claims 3, 4, 12, and 13 have been canceled, the Section 103(a) rejection of claims 3, 4, 12, and 13 is moot.

**Conclusion**

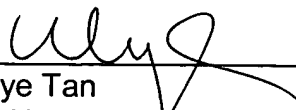
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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